

the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$680, conditioned in part that it be relabeled to conform with Government analysis.

W. M. JARDINE, *Secretary of Agriculture.*

15145. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Product ordered released under bond to be salvaged. (F. & D. No. 21834. I. S. No. 15297-x. S. No. C-5440.)

On or about March 28, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, at New Orleans, La., alleging that the article had been shipped by W. E. Lee, from Thonotosassa, Fla., on or about March 15, 1927, and transported from the State of Florida into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Good Nature Brand Oranges."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged oranges.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a decomposed vegetable substance.

On April 1, 1927, the Florida Citrus Exchange, Tampa, Fla., having appeared as claimant for the property, a decree was entered, ordering that the said claimant be permitted to withdraw the oranges for the purpose of having the good portion separated from the bad, upon the execution of a bond in the sum of \$1,500, conditioned in part that the product not be put on the market until inspected and approved by this department, and it was further ordered by the court that all rejected fruit be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15146. Adulteration of frozen loganberries. U. S. v. 125 Barrels of Frozen Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21887. I. S. No. 16522-x. S. No. E-6097.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 125 barrels of frozen loganberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Graves Canning Co., from Portland, Oreg., July 20, 1926, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Graves Canning Co Woodburn Ore Loganberries."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15147. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 21924. I. S. No. 12827-x. S. No. W-2142.)

On April 20, 1927, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of butter, at Yuma, Ariz., alleging that the article had been shipped by the Golden State Milk Products Co., El Centro, Calif., on or about April 18, 1927, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (case) "Thirty-One Pound Cartons, Golden State Brand Butter," (carton) "Net Weight 1 Pound."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 1 Pound," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct, the true net weight of the contents of each of said cartons being less than 1 pound.

On May 31, 1927, the Golden State Milk Products Co., El Centro, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$80, conditioned in part that it not be sold or disposed of in violation of the law.

W. M. JARDINE, *Secretary of Agriculture.*

148. Misbranding and alleged adulteration of vinegar. U. S. v. 100 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15461. I. S. No. 813-t. S. No. C-3269.)

On October 11, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 barrels of vinegar, remaining in the original unbroken packages at Coldwater, Mich., consigned by the Douglas Packing Co., Rochester, N. Y., alleging that the article had been shipped from Canastota, N. Y., September 20, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Apple Cider Vinegar made from selected apples * * * Douglas Packing Company, Rochester, New York."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was labeled "Apple Cider Vinegar made from selected apples," so as to deceive and mislead the purchaser, for the further reason that the statement "Apple Cider Vinegar made from selected apples," was false and misleading in that the product contained barium, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On August 4, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$418.75, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

149. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21943. I. S. No. 16459-x. S. No. E-6112.)

On May 19, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Linden Cooperative Creamery Assn., Linden, Mich., and transported from the State of Michigan into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that some packages failed to bear a statement of net weight, and on others the statement made was incorrect.

On May 26, 1927, I. H. Ballou & Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department, and relabeled to show the true quantity of the contents of the package.

W. M. JARDINE, *Secretary of Agriculture.*